

Appl. No. 09/511,955  
Amdt. dated August 10, 2004  
Reply to Office action mailed May 10, 2004

### **REMARKS / ARGUMENTS**

#### **A. INTRODUCTION**

In the office action dated May 10, 2004:

Examiner objected to claim 19 ;

Claims 5, 6, and 10 were rejected under 35 USC §112¶2;

Claims 1, 2, 5, 9-14, and 16 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,509,123 to *Dobbins et al.* (hereinafter "*Dobbins*");

Claims 1, 2, 5, 6, 9-14, and 16-17 were rejected under 35 USC § 103(a) as being unpatentable over U.S. patent no. 6,233,232 to *Chau et al.* (hereafter "*Chau*");

Claims 11-15 and 17-21 were rejected under 35 USC § 103(a) as being unpatentable over *Dobbins*;

With this amendment Applicant cancels claims 1,2,5,6, and 9-10 and amends claims 11-21.

#### **B. AMENDMENT TO SPECIFICATION AND CLAIM 19**

Applicant has amended the first paragraph of page 44 to correct a typographical error so that the point-to-point protocol over Ethernet acronym now reads "PPPOE" rather than the erroneous "PPOE." Applicant has amended claim 19 to correct a typographical error so that the point-to-point protocol over Ethernet acronym now reads "PPPOE" rather than the erroneous "PPOE."

#### **C. REJECTIONS UNDER 35 U.S.C. §§ 112¶2**

Applicant has cancelled claims 5, 6 and 10, thereby obviating Examiners rejection under 35 USC §112¶2 as to these cancelled claims.

#### **D. REJECTIONS TO CLAIMS 11-21 UNDER 35 U.S.C. §§ 102 & 103**

Applicant has cancelled claims 1,2,5,6, and 9-10, thereby obviating Examiners rejections under 35 U.S.C. §§ 102 & 103 as to these cancelled claims. Applicant has amended the remaining independent claims 11, 13, 15 and 16 to clarify the claimed apparatus and method embodiments of the invention of the present application to include the dynamic bonding of layer two protocols

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to both the first or ingress port and the second or egress port of a switch. Further clarification in these independent claims include translating or means of translating the layer two protocol of the instant data packets after their reception by the apparatus at the first or ingress port and prior to the their transmission by the apparatus at the second or egress port. The Applicant respectfully asserts that the cited art neither discloses nor suggests the claimed apparatus and method embodiments of the invention of the present application. Accordingly, the Applicant respectfully asserts that Examiner withdraw all rejections under 35 USC §102(b) and 35 USC § 103(a) directed to claims 11, 13, 15 and 16 and find amended claims 11, 13, 15 and 16 in condition for allowance.

Claims 12, 14, and 17-21 have been amended for further clarify the independent claims from which they depend, i.e., claims 11, 13 and 16. Accordingly, the Applicant respectfully asserts that Examiner withdraw all rejections under 35 USC §102(b) and 35 USC § 103(a) directed to claims 12, 14, and 17-21 and the objection to claim 19 and find amended claims 12, 14, and 17-21 in condition for allowance.

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### E. CONCLUSION

For all the forgoing reasons, Applicant submits that the present invention, as claimed in the remaining amended claims 11-21, is patently distinguishable from *Chau* and *Dobbins* either alone or in combination. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Pursuant to 35 U.S.C. 132 and 37 CFR 1.121, Applicant has exercised care to avoid the introduction of new matter. Should there be any fees for this action, your office is authorized to draw from the firm deposit account number 02-3979. Should you have any questions, or identify any problem, I would appreciate a telephone call so that this matter may be resolved promptly.

Respectfully submitted,

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